

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALEXANDER RAHE,

Plaintiff,

v.

STATE OF NEBRASKA, NE DEPT
OF CORRECTIONAL SERVICES,
MICHAEL KENNEY, Director,
BARBARA LEWIEN, OCC Warden,
AGNES STAIRS, Psychologist, and
PAUL RODRIGUEZ, Csort Chair,

Defendants.

8:14CV287

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Dismiss (Filing No. [11](#)), which the court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(I\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action because his "filing is inadequate to address the full nature of the injury and must be reconsidered." (Filing No. [11](#).) Defendants have not been served with process. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss (Filing No. [11](#)) is granted. Accordingly, this matter is dismissed without prejudice.

2. Plaintiff's request that the court "cease collection of all filing fees . . . should the Court see fit" is denied. Pursuant to the Prison Litigation Reform Act ("PLRA"), a prisoner plaintiff is required to pay the full amount of the court's \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#). "[T]he PLRA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." [In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#); [Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 \(D. Neb. 2001\)](#).

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 12th day of December, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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